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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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APR - 3 1995

In the Matter of)

)
Telephone Electronics Corporation)
Implementation of Section 309(j))
of the Communications Act--Competitive)
Bidding)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PP Docket No. 93-253

DOCKET FILE COPY ORIGINAL

To: Commercial Wireless Division
Wireless Telecommunications Bureau
Room 5250--STP 1700A1

COMMENTS IN RESPONSE TO TELEPHONE ELECTRONICS CORPORATION'S
EMERGENCY PETITION FOR WAIVER

Communications One, Inc., by its attorney, hereby responds to Telephone Electronics Corporation's (TEC) March 28, 1995 Emergency Petition for Waiver.¹ In response thereto, the following is respectfully submitted:

1) On March 8, 1995 Communications One, Inc. filed an Emergency Motion to Defer MTA PCS Licensing. Communications One, Inc. is concerned that the TEC appeals court case, and the unexpected court order staying commencement of the Entrepreneur Block auction, would provide the MTA Block A/B auction winners with an illegal head start to the economic disadvantage of the designated entities.

2) Neither the filing of TEC's waiver request nor the Commission's anticipated grant of TEC's waiver request satisfies

¹ The Commission requested comments relating to TEC's waiver request in its March 29, 1995 Public Notice, DA 95-651.

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the licensing timing concerns expressed in Communications One, Inc.'s Emergency Motion to Defer MTA PCS Licensing.² The Commission is still required to seek dissolution of the stay imposed by the U.S. Court of Appeals for the D.C. Circuit in the TEC case and the Commission is still required to seek dismissal of the TEC appellate case.

3) Communications One, Inc. is concerned that some party may oppose TEC's waiver request and prevent prompt commencement of the Entrepreneur Block Auction or that the court will not timely dissolve its stay.³ Thus, Communications One, Inc. submits that the Commission must not issue licenses to the MTA Block A/B auction winners until after the Entrepreneur Block Auction has commenced.⁴

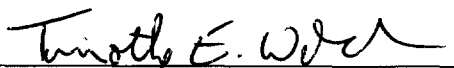
² Communications One, Inc. supports TEC's waiver request relating to the revenue caps so as to exclude TEC's long distance reseller revenues, provided that TEC bid only for those markets indicated in its waiver petition. Request at 4. Further, Communications One, Inc. supports TEC's request for a 10% small business bidding credit. Request at 2.

³ In fact, in today's mail undersigned counsel received a Motion Within Which to File a Motion for Leave to Intervene, and an associated Motion for Leave to Intervene, which Consolidated Communications, Inc. filed on March 29, 1995 with the U.S. Court of Appeals for the D.C. Circuit. Thus, it does not appear that the outstanding issues will be resolved in order to permit a prompt commencement of the Entrepreneur Block Auction.

⁴ Communications One, Inc. has expressed concern in pleadings filed in the proceeding relating to its Emergency Motion to Defer MTA PCS Licensing that the MTA Block A/B auctions proved to be too lengthy considering the small number of participants and markets. If TEC's waiver request is granted, and if the court of appeals stay is dissolved promptly, Communications One, Inc. implores the Commission to adopt auction procedures which would speed the Entrepreneur Auctions in which hundreds
(continued...)

WHEREFORE, Communications One, Inc. supports TEC waiver requests with the understanding that other events must transpire before Communications One, Inc. licensing timing concerns are allayed.

Respectfully submitted,
COMMUNICATIONS ONE, INC.


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⁴(...continued)

of markets will be auctioned among potentially hundreds of participants. For instance, the Commission could eliminate the "three phase" bidding process which seems to encourage bidding for unwanted markets for strategic purposes. The Commission could adopt a "one phase" auction in which participants must remain active on 100% of their desired pops. This would seem to eliminate a lot of unnecessary game playing which only appears to bid up prices.

CERTIFICATION⁵

I hereby certify that I have this 3rd day of April 1995 sent a copy of the foregoing pleading, by first class United States mail, postage prepaid, to the following:

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*VIA FAX also.

⁵ Communications One, Inc. notes that it is serving the instant pleading only upon TEC and those parties which have formally commented regarding Communications One, Inc.'s Emergency Motion to Defer MTA PCS Licensing. This step was take because the March 29, 1995 Public Notice limits reply filing right to TEC.